

# **SUPERIOR COURT OF CALIFORNIA**

**County of San Diego**

**DATE: August 28, 2006**

**DEPT. 71**

**REPORTER A: Peter Stewart**

**CSR# 3184**

**PRESENT HON. RONALD S. PRAGER**

**REPORTER B:**

**CSR#**

**JUDGE**

**CLERK: K. Sandoval**

**BAILIFF:**

**REPORTER'S ADDRESS: P.O. BOX 120128**

**SAN DIEGO, CA 92112-4104**

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## **EX PARTE HEARINGS**

**IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Price Indexing)**

4221-00020	UYEDA vs CENTERPOINT ENERGY INC
4221-00021	BENSCHIEDT vs AEP ENERGY SERVICES INC
4221-00022	COUNTY OF SANTA CLARA vs SEMPRA ENERGY
4221-00023	CITY AND COUNTY OF SAN FRANCISCO vs SEMPRA ENERGY
4221-00024	COUNTY OF SAN DIEGO vs SEMPRA ENERGY
4221-00025	OLDER vs SEMPRA ENERGY
4221-00026	CITY OF SAN DIEGO vs SEMPRA ENERGY
4221-00027	TAMCO vs DYNEGY INC
4221-00028	A L GILBERT COMPANY vs CORAL ENERGY RESOURCES LP
4221-00029	OBERTI WHOLESALE FOOD INC vs ENCANA ENERGY SERVICES INC
4221-00030	BROWN vs ENCANA ENERGY SERVICES INC
4221-00031	LOIS THE PIE QUEEN vs ENCANA ENERGY SERVICES INC
4221-00032	VITTICE CORPORATION vs ENCANA CORPORATION
4221-00033	COUNTY OF ALAMEDA vs SEMPRA ENERGY
4221-00034	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA vs RELIANT ENERGY SERVICES INC
4221-00035	SCHOOL PROJECT FOR UTILITY RATE REDUCTION vs SEMPRA ENERGY
4221-00036	ASSOCIATION OF BAY AREA GOVERNMENTS vs SEMPRA ENERGY
4221-00037	OWENS-BROCKWAY GLASS CONTAINER INC vs SEMPRA ENERGY
4221-00038	TEAM DESIGN DBA TIMOTHY ENGELN INC vs RELIANT ENERGY INC
4221-00039	CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER vs RELIANT ENERGY SERVICES INC
4221-00040	SACRAMENTO MUNICIPAL UTILITY DISTRICT vs RELIANT ENERGY SERVICES INC
4221-00041	SHANGHAI 1930 RESTAURANT PARTNERS LP vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC
4221-00043	NURSERYMAN'S EXCHANGE OF HALF MOON BAY vs SEMPRA ENERGY

**4221-00044     COUNTY OF SAN MATEO vs SEMPRA ENERGY**  
**4221-00045     BUSTAMANTE vs WILLIAMS ENERGY SERVICES**  
**4221-00046     PABCO BUILDING PRODUCTS vs DYNEGY INC**  
**4221-00047     BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY vs DYNEGY INC**

1:30 p.m. This being the time previously set for Ex Parte hearing in the above entitled cause Court convenes with counsel as noted on exhibits "A" and "B" which are attached hereto and incorporated herein as though set forth in full.

Seated at counsel table are Barry Himmelstein personally present for the Plaintiffs. Chris Healy and Roxanna Manuel are personally present for the Defendants and the Settling Defendants.

Attorney Himmelstein requests a preliminary approval for Class Certification. Plaintiffs file a stipulation and non-opposition to the class. The Court sets the following dates: Hearing regarding Preliminary Approval of Class is set for September 1, 2006 at 10:00 a.m., Final Approval of the Class is set for December 11, 2006 at 10:00 a.m., and all filings are to be by statute.

1:50 p.m. Attorney Healy presents Defendants request for discovery regarding Dr. Safire.

2:00 p.m. Attorney Himmelstein and Paul Traina present argument on behalf of the Plaintiffs.

The Court directs counsel to reformulate the questions and counsel for Plaintiffs are to try and respond. If counsel cannot reach an agreement they may come back ex parte.

Attorney Healy presents a request for 3<sup>rd</sup> party subpoena on absent class member Sensient. The Court informs counsel that they may subpoena 10-12 companies if these companies do not respond they may choose other companies but they may not try more than 12 companies. If counsel does not get responses from these companies they may come back to court ex parte with details regarding the answers and request additional help from the Court.

2:35 p.m. Attorney Healy to prepare an order and have it approved as to form. Court is adjourned in this matter.